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The Honorable Thomas S. Zilly

MAY 23 2002 MR

COURT
WASHINGTON
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CV 01-01081 #00000042

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

No. CO1-1081-Z

DECLARATION OF AARON
SAUSMAN IN SUPPORT OF
SUMMARY JUDGMENT

v.

CITY OF SEATTLE, et al.,

Defendants.

AARON SAUSMAN declares as follows.

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I was working as a uniformed officer and in a parked
patrol unit with my partner, Officer Todd Harris. We received a "Help the Officer" call,
and were directed to go to 5101 South Orchard Street. We notified dispatch that we
were on our way to the officers' location.

DECLARATION OF AARON SAUSMAN IN
SUPPORT OF SUMMARY JUDGMENT

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ORIGINAL

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Professional Corporation
ATTORNEYS
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SEATTLE, WASHINGTON 98101-2621
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1 4. Officer Harris was driving. He came to a stop the intersection of Rainier
 2 and Orchard, and I exited the vehicle at From there, I could hear yelling screaming,
 3 and the sound of items breaking coming from the house. I ran up the street toward the
 4 residence, where the disturbance continued. When I entered the door, I observed
 5 Officer Little and a large Asian male, later identified as Muio Tran, up against the
 6 northern window and ground. I observed that the room was damaged, and that there
 7 was broken glass on the floor.

8 5 I ran toward Officer Little to help him. I was able to pull Mr. Tran off of
 9 Officer Little and to push Mr. Tran to the ground. I positioned myself on top of Mr. Tran
 10 so that I could place handcuffs on his wrists and I instructed him to put his hands behind
 11 his back and to stop fighting. Mr. Tran refused to comply and he continued to struggle.
 12 Mr. Tran pulled away from me, rolled on the ground and kicked at me with his legs I
 13 continued trying to subdue him and again told him to put his hands behind his back and
 14 to stop struggling

15 6. While I was struggling with Mr. Tran, an Asian female, later identified as
 16 Kim Cuc-Nguyen, jumped on me and began yelling. I used my hands to push her away
 17 from me and to stop her from interfering with my attempts to subdue Mr. Tran.

18 7 After I was able to push Ms. Nguyen away, I told Mr. Tran a third time to
 19 stop struggling and to put his hands behind his back. When he again refused and
 20 continued to struggle, I was forced to spray him with pepper spray, which had little effect
 21 on Mr. Tran I was able handcuff one of his wrists, but we continued to struggle.

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 DECLARATION OF AARON SAUSMAN IN
 SUPPORT OF SUMMARY JUDGMENT - 2

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B. Around this time, other officers had arrived and were able to assist me, and I was able to handcuff Mr. Tran's other wrist. After he was handcuffed, Mr., Tran continued to refuse to cooperate, so I helped to carry him to the patrol car.

9. At the precinct, I asked Mr. Tran if he was injured. Mr. Tran informed me that only his eyes were hurt from the pepper spray. I helped Mr. Tran wash out his eyes and face. He did not complain of any further injury. Other than scratches on his left shoulder and chest, I observed no other injuries on Mr. Tran.

| 10. I sustained scratches on the inside of both my right and left forearms, but I received no other significant injuries.

11. In my efforts to defend myself and the other officers, I used the least amount of force possible, even though I believe that circumstances justified my using a greater amount of force. I believe that I acted reasonably under the facts and circumstances known to me at the time of this incident.

I CERTIFY under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

DATED this 11th day of MAY, 2002.

aaron D.
James
Aaron Sausman #6089

**DECLARATION OF AARON SAUSMAN IN
SUPPORT OF SUMMARY JUDGMENT - 3**

DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY IN INTEGRATION WITH DOD STRATEGY

STAFFORD FREY COOPER

— 10 —

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